

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

The Council of Insurance)	
Agents + Brokers,)	
)	
Plaintiff,)	
)	Civil No. 2004-16
v.)	
)	
Vargrave Richards, in his)	
official capacity as the)	
Virgin Islands Commissioner)	
of Insurance,)	
)	
Defendant.)	
)	

ATTORNEYS:

James M. Derr, Esq.
St. Thomas, U.S.V.I.
For the Plaintiff,

Scott A Sinder, Esq.
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For the Plaintiff,

Daniel S. Blynn, Esq.
3050 K. Street, N.W.
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For the Plaintiff,

Carol Thomas-Jacobs, Esq.
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For the Defendant.

ORDER

GÓMEZ, J.

Before the Court is the motion of the Council of Insurance Agents + Brokers (the "Council") for summary judgment against Vargrave Richards (the "Insurance Commissioner"). Also before the Court is the Insurance Commissioner's cross-motion for

summary judgment against the Council. For the reasons stated in the accompanying memorandum, it is hereby

ORDERED that the Insurance Commissioner's cross-motion for summary judgment is **DENIED**; it is further

ORDERED that the Council's motion for summary judgment is **GRANTED**; it is further

ORDERED that title 22, sections 220 and 772 of the Virgin Islands Code violate the Privileges and Immunities Clause of the United States Constitution and are therefore null and void and without effect; it is further

ORDERED that the Insurance Commissioner of the Virgin Islands is hereby enjoined from denying nonresident Virgin Islands licensed insurance agents and brokers the rights and privileges that are afforded to resident Virgin Islands licensed agents and brokers; it is further

ORDERED that this order is binding on the Virgin Islands Commissioner of Insurance and his officers, agents, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

ENTERED this 18th day of July, 2006.

FOR THE COURT:

_____/s/_____

Curtis V. Gómez
District Judge

Copies to:

ATTEST:

WILFREDO MORALES

Clerk of the Court

By: _____

Deputy Clerk

Honorable Judge G.W. Barnard
James M. Derr, Esq.
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Carol Thomas-Jacobs, Esq.
Olga Schneider
Carol C. Jackson
Lydia Trotman
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